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A-9936  
PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Kiyoteru YUTA et al.

Appln. No.: 10/669,690

Group Art Unit: 3677

Filed: September 25, 2003

Examiner: A. Jackson

For: FASTENER FOR ATTACHING FLOOR CARPET AND WIRE HARNESS  
TO A ROCKER PANEL

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RESPONSE

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Responding to the Office Action mailed December 27,  
2004, favorable reconsideration is respectfully requested  
for the reasons which follow.

The rejections under 35 U.S.C. 102(b) and 103(a) are  
respectfully traversed. These rejections overlook features  
that are clearly recited in the claims.

First of all, please note that independent Claim 1  
recites a fastener for a floor carpet and a wire harness  
and that independent Claim 7 recites a fastener for  
fastening a floor carpet and a wire harness to a rocker  
panel and for supporting a rocker molding independently of  
the rocker panel. Neither Pavlak et al., (relied upon in

the rejection under 35 U.S.C. 102(b)), nor Girodo (relied upon as a secondary reference in the rejection under 35 U.S.C. 103(a)) is concerned with a fastener for a floor carpet (and a wire harness) or a fastener for fastening a floor carpet (and a wire harness) to a rocker panel and for supporting a rocker molding independently of the rocker panel.

The rejections appear to treat the inventions claimed as mere clamps for a wire harness and do have even attempt to address the features of the inventions which are concerned with floor carpet, rocker panels, and rocker moldings, all of which are clearly recited in Applicants' claims.

More particularly, independent Claim 1 distinguishes patentability from the prior art in reciting, *inter alia*, holder engagement means for connecting the wire harness holder to the base while sandwiching an end portion of a floor carpet between the base and the wire harness holder, wherein the fastener further comprises first and second rocker molding engagement portions for receiving and retaining respective support legs therein formed on an inner surface of a rocker molding, and wherein the first rocker molding engagement portion is located adjacent to

the holder engagement means, and the second rocker molding engagement portion is located adjacent to the pivotal support of the wire harness holder to the base.

Independent Claim 7 distinguishes patentably from the prior art in reciting, *inter alia*, a protrusion on the base for insertion in a hole in an end of the floor carpet, wherein the fastener has a pair of rocker molding engagement portions spaced from one another for receiving and retaining respective support legs of a rocker molding.

Furthermore, neither of the references teaches or suggests the specific features of the invention recited in Claims 3, 5, 6, 8, 11, 12, and 14-16.

Without intending to limit the claims, see, for example, the present specification, page 5, line 20, to page 6, line 2; page 6, line 22, to page 7, line 3; page 7, line 10, to page 10, line 2; and page 11, line 4, to page 12, line 10.

Pavlak et al. is inappropriately relied upon as the basis for a rejection under 35 U.S.C. 102(b) or a rejection under 35 U.S.C. 103(a) in combination with Girodo. Girodo does not cure the deficiencies of Pavlak et al. In connection with the latter rejection, even if the references were combined, the invention recited in the

claims rejected under 35 U.S.C. 103(a) would not be produced.

Accordingly, the rejections should be withdrawn, the claims allowed, and this application passed to issue.

The Commissioner is hereby authorized to charge to Deposit Account No. 50-1165 any fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this paper and to credit any overpayment to that Account. If any extension of time is required in connection with the filing of this paper and has not been requested separately, such extension is hereby requested.

Respectfully submitted,

NHS:kss

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March 22, 2005

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